

REMARKS

Upon entry of the present amendment, claims 2, 3, 12, 32 and 37 have been amended, and claims 2-8, 12, 14, 24 and 32-50 are pending. Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made".

Claim Rejections - 35 USC 112

1. New Matter: Applicant respectfully submits that the provisos for G in the present claims are fully supported by the specification.

As now claimed, (independent claims 1 and 12), G is not $(CH_2)_n-(CR^{14}R^{15})_s-R^{13}$ when other indicated substituents are defined as indicated. Support for this negative limitation is at page 20, line 17 to page 21 line 3 of the specification.

Further as claimed, G is not phenyl, N-containing heteroaryl or $(-CH_2)_{ma}-CHR^{10a}R^{11a}$, when other indicated substituents are defined as indicated (independent claims 2, 3, 12 and 32). Support for this limitation is in the specification starting at line 13 on page 2 of the specification, compounds described in EP0210782 "are excluded from the present claimed scope of protection according to the invention." Compounds where G is phenyl, N-containing heteroaryl or $(-CH_2)_{ma}-CHR^{10a}R^{11a}$ are described in the '782 patent and are properly excluded.

2. New Matter: Applicant respectfully submits that claims 35-39 are fully supported by the present invention. Support for each of the claims is as follows.

Claim 35: At page 97, lines 16-29 of the specification indicates that compound of formula (I) can be produced by reacting compounds of formula (I) when G is hydrogen with L-G(IV). Accordingly, one of the reactants in claim 35 is formula (I) where G is hydrogen.

Claim 36: At page 97, line 29-33, the specification indicates that compounds of formula (I) where $G = G^1$ can be synthesized by reacting compounds of formula (I) where G is hydrogen with L-G (IV).

Claim 37: Claim 37 has been amended to make it the same as page 98, line 34 to page 99, line 17. As indicated in the specification, compounds of formula (I) can be made by reacting compounds of formula (I) where G is hydrogen with HO-G(V).

Claim 38: At page 99, line 22 to line 26, the specification indicates that compounds of formula (I) can be produced by reacting compounds of formula (I) where G is hydrogen with $H-NR^{13}R^{15}$ (VI).

Claim 39: At page 101, lines 11 to line 14, the specification indicates that compounds of formula (I) can be produced by reacting compounds of formula (I) where G is hydrogen with $O=C=N=R^{13}$ (VII).

3. Scope of Enablement: Applicant respectfully submits that claims directed to method of inhibiting tumor cell growth (claim 33) and a method of suppressing and autoimmune disease (claim 34) are fully enabled by the specification.

As to methods of inhibiting tumor cell growth, the specification provides the following specific examples.

Page 166, Example 2, and page 170 (Table) describe inhibiting growth of tumor lung carcinoma.

Page 167, Example 3, and page 170 (Table) describe inhibiting growth of colon carcinoma.

Page 168, Example 4, and page 170 (Table) describe inhibiting monocytic leukemia.

Page 170 (Table) describes inhibiting hepatocellular carcinoma.

In addition, the specification indicates at page 169, lines 20-30, the compounds of the invention are effective for use in treating "gynaecological tumors, ovarian carcinomas, testicle tumors, prostate carcinomas, skin cancer, kidney cancer, bladder tumors, oesophagus carcinomas, stomach cancer, rectal carcinomas, pancreas carcinomas, thyroid cancer, adrenal tumors, leukemia and lymphomas, Hodgkin's disease, tumor illnesses of the CNS, soft-tissue sarcomas, bone sarcomas, benign and malignant mesotheliomas, but especially intestine cancer, liver cancer, breast cancer, bronchial and lung carcinomas, melanomas, acute and chronic leukemias. Benign papillomatosis tumors can also be limited in their growth with the named substances."

In view of this extensive description of activity, Applicants submit they have done far more than what is required under 35 USC 112 to enable claims to be method of inhibiting tumor cell growth.

As to the method of suppressing autoimmune disease, the specification describes immunosuppressing activity starting at page 171. Applicants respectfully submit that this description provides all that is required under 35 USC 112 to fully enable claims to suppressing autoimmune disease.

Claim Rejections - 35 USC 102

4. Claims have been amended as suggested by the Examiner to exclude compounds where R^{13} and R^{14} are both phenyl groups:

second negative limitation, where G does not represent -
(CH₂)_{ma}-CHPhPh when other indicated substituents are defined as
indicated. Hence, the provisos for G now distinguish all of
the cited references.

Conclusions

In view of the above amendments and remarks, applicants
respectfully request that the pending claims be passed to
issue. The Commissioner is hereby authorized to charge any
additional fees which may be required in this application to
Deposit Account No. 06-1135.

Respectfully submitted,

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